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**OFFICE OF PETITIONS**

In re Application of  
Niemela  
Application No. 10/091,602  
Filed: March 7, 2002  
Attorney Docket No. P 290731  
T29064US/PYK/kop

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: DECISION ON PETITION  
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This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

**The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.**

This application became abandoned for failure to timely file a proper reply to the non-final Office action of June 23, 2006. On December 21, 2006, applicant obtained a three month extensions of time pursuant to the provisions of 37 CFR 1.136(a) and filed a RCE. However, the RCE was improper, as was explained in correspondence mailed on January 21, 2006. Accordingly, the date of abandonment of this application is December 24, 2006. A Notice of Abandonment was mailed on January 25, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of \$1,500.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to Technology Center AU 2138 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive, flowing style.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions